business method patent applications after 18 months. In conjunction with the publication provision, it creates opportunities for the public to present information and arguments before a business method patent issues. It establishes an administrative “Opposition” process where parties can challenge a granted business method patent in an expeditious, less costly alternative to litigation. The bill lowers the burden of proof for challenging business method patents, requires an applicant to disclose its prior art search, and finally, creates a rebuttable presumption that a business method invention constituting a non-novel computer implementation of a pre-existing invention is obvious, and thus, not patentable.

The Patent Improvement Act of 2001 would establish an administrative “Opposition” process where parties can challenge any granted patent in an expeditious, less costly alternative to litigation. The bill creates a rebuttable presumption that a patent containing a non-novel computer implementation of an existing invention is obvious, and thus, not patentable. Finally, the bill requires an applicant to disclose its prior art search.

The PTO funding Resolution creates a point of order regarding any legislation that does not allow the PTO to spend all fees collected in the year in which they are collected. Some may consider the coordinated introduction of these three bills an unusual approach. Indeed, it will be noted that the first two bills overlap—that is, they contain many of the same provisions applied to different, but overlapping types of patents. We have chosen this approach because we consider all the bills to be improvements over current law, but are not sure which bills will generate sufficient support to be enacted this Congress. Further, we consider the PTO funding Resolution to be a necessary element of any plan to improve patent quality, but recognize that such legislation will generate its own debate.

I have decided to forge ahead through these thorny issues because my concerns about the quality and effects of business method patents have not dissipated or diminished during the past year. The pace of business method patenting has picked up dramatically. While in FY 1999, the PTO received approximately 2650 business method patent applications, in FY 2000 it received 7850 such applications. The PTO reports that the first quarter of FY 2001 has seen business method applications running 18–20% higher than in Q1 of FY 2000. I commend the PTO for reducing the proportion of business method patents granted through its Business Method Patent Initiative, but there is some concern that this Initiative will extend patent pendancies further.

We will not know what business methods are claimed in these applications for at least eighteen months after filing, and in all probability for at least twenty-six months. Some consider this a problem in itself, as technology businesses attempting to move at Internet speed may invest enormous sums of ever-dwindling venture capital only to find important information covered by a patent. This is an unfortunate by-product of the patent system, but I do not believe we should address it by prohibiting patents on business methods or requiring publication upon filing.

Of greater concern to me is assuring the highest quality of business method patents being issued. Unfortunately, those business method patents of which we are aware do not give us much confidence about the quality of those yet to be published. Last year, I cited as examples of concern a patent granted for a method of allowing automobile purchasers to select options for cars ordered over the Internet, and a patent that purportedly covered the selling of music and movies in electronic form over the Internet. This year I add to that list a patent for a method of operating a fantasy football league over the Internet, a patent covering incentive programs using the Internet, a patent covering the use of targeted banner advertising over the Internet, and a patent covering a system for previewing music samples over the Internet.

I do not pretend to know whether any of these patents are valid or invalid. However, many respectable parties, including patent lawyers, patent-holding technology companies, and academics, have expressed serious concerns about the quality of such patents.

I would like to see a patent system that subjects these patents to more rigorous review, and thus provide greater assurance that they are valid when issued. If there may be ways to improve the prior art available to patent examiners before they issue a patent, we should explore them. If there are ways to decrease the costs of challenging bad patents, we should enact them into law. And if retention of fees will result in better trained, more experienced examiners with access to better resources, we should let the PTO keep the fees.

As I said last Congress: “The bottom line in this: there should be no question that the U.S. patent system produces high quality patents. Since questions have been raised about whether this is the case, the responsibility of Congress is to take a close look at the functioning of the patent system in this very new, and rapidly growing area of patenting.”

A TRIBUTE TO DIANA B. WOOTEN

HON. EDDOLPH TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 3, 2001

Mr. TOWNS. Mr. Speaker, I rise today to bring special recognition to one of Brooklyn’s shining stars, Diana B. Wooten.

Diana is the daughter of Josephine and Countrywoman Friscilla Wooten and a life long resident of the East New York community of Brooklyn. She is a prominent part of the Wooten extended family that consists of herself, her brother Donald, sister Deborah and three nephews. Her nephews are also her brother Dudley Alleman, Jr., her sister Irene Alleman Beale, and her four children, Stan, Molly, Rick, and Jim.

Diana is well known but is still a very private person. She does so many good deeds anonymously to better the lives of others. One among the many is currently serving as President of Single Working Parents, a group that gives respite care to single working parents of children from ages 5 to 13. She is a life-long member of the Grace Baptist Church where the current pastor is the Rev. Jacob N. Underwood. She is an active member of Grace Baptist where she also sings in the choir.

Because of her contributions to Brooklyn, Diana is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable woman.

IN HONOR OF MS. FRANCIS D. ALLEMAN-LUCE (1924–2001)

HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 3, 2001

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to Francis D. Alleman-Luce, a civil rights advocate and lifelong community leader. Ms. Alleman-Luce, who suddenly passed away last week, was a civil rights organizer, an educator, and a member of numerous community and philanthropic groups. Her son, Mr. Jim Tendean Luce, has arranged the service to be held at the Madison Avenue Baptist Church in my district, where he serves as the moderator.

Ms. Alleman-Luce was an extraordinary woman far ahead of her time. Born in 1924 in Hingham, Massachusetts, Ms. Alleman-Luce graduated from Hingham High School and Wheelock College. During World War II, she worked as an entertainer for troops on leave. After the War, she married Stanford Luce and the family moved to New Haven, Connecticut until 1952, when they again moved to Oxford, Ohio. In 1964, the family moved to Paris, returning to Ohio the next year.

Ms. Alleman-Luce played an active role in the American Civil Rights Movement during the 1960s, training Freedom Riders as they gathered in Oxford, Ohio before driving to Mississippi. In 1969, Ms. Alleman-Luce completed her masters’ degree in Educational Psychology at Miami University in Oxford. In 1972, following her divorce, Ms. Alleman-Luce moved to Marietta, Ohio with her then 12-year-old son Jim to begin a career as a school psychologist.

Following her retirement, Ms. Alleman-Luce moved back to her college town of Brookline, Massachusetts, where she became involved with the P.E.O. Sisterhood, an organization for women that stresses the value of educational achievement and philanthropic community service.

Ms. Alleman-Luce was an exceptional individual and a caring mother. She is survived by her brother Dudley Alleman, Jr., her sister Irene Alleman Beale, and her four children, Stan, Molly, Rick, and Jim.